



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS

Alan A. Winder et al.

SERIAL NO.

09/980,329

GROUP ART UNIT

3737

FILED

March 5, 2002

EXAMINER

SMITH, Ruth S.

FOR

METHOD FOR CAVITATION-INDUCED TISSUE HEALING WITH LOW  
INTENSITY ULTRASOUND

ATTORNEY DOCKET NO. 41482/205543

Mail Stop Issue Fee

DATE: May 21, 2007

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**REQUEST FOR ISSUANCE OF INITIALED FORM PTO-1449**

Sir:

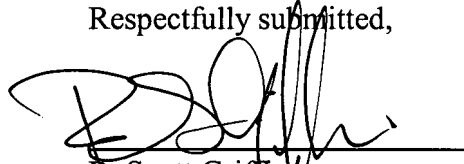
A. On November 7, 2002, Applicants submitted an Information Disclosure Statement, ten sheets of Form PTO-1449 and 355 publications to the U.S. Patent and Trademark Office (the "USPTO") to be considered in the above-identified patent application. As part of Paper No. 8, Applicants received six sheets initialed by the Examiner and the remaining sheets 7-10 were crossed through with a notation that there were "no copies." Applicants submit at this time copies of the following:

Transmittal Form, Information Disclosure Statement, ten sheets of Form PTO-1449 and postcard acknowledging receipt by the USPTO of 355 publications on November 12, 2002. Also enclosed are copies of the attachments to Paper No. 8.

U.S. Patent Application Serial No. 09/980,329  
Filed: March 5, 2002  
INFORMATION DISCLOSURE STATEMENT

due, the Commissioner is authorized to charge such fees that may be due to Deposit  
Account No. 11-0855.

Respectfully submitted,



R. Scott Griffin  
Reg. No. 57,975

KILPATRICK STOCKTON LLP  
Suite 2800, 1100 Peachtree Street  
Atlanta, Georgia 30309-4530  
Phone (404) 815-6500



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Roger J. TALISH et al.

SERIAL NO.: 09/980,329

Group Art Unit: 3737

FILED: March 5, 2002

Examiner: Smith, Ruth S.

FOR: METHOD AND KIT FOR CAVITATION-INDUCED  
TISSUE HEALING WITH LOW INTENSITY  
ULTRASOUND

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Date: May 21, 2007

Attorney Docket No.: 41482/205543

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**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08a are cited for consideration by the Examiner.

Submission of the reference provided in this Supplemental Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

This Supplemental Information Disclosure Statement is being filed simultaneously with a Request for Continued Examination (RCE) and payment of the issue fee. Applicants believe that no fee for consideration of this paper is due. If a fee is

B. On February 28, 2003, Applicants submitted an Information Disclosure Statement, one sheet of Form PTO-1449 and eight publications to the USPTO to be considered in the above-identified patent application. Applicants have not received an initialled copy of the Form PTO-1449 in response to this filing. Applicants submit at this time copies of the following:

- Transmittal Form, Information Disclosure Statement, one sheet of Form PTO-1449 and postcard acknowledging receipt by the USPTO of eight publications on February 28, 2003.

C. On July 11, 2003, Applicants submitted an Information Disclosure Statement, one sheet of Form PTO-1449 and eight publications to the USPTO to be considered in the above-identified patent application. Applicants have not received an initialled copy of the Form PTO-1449 in response to this filing. Applicants submit at this time copies of the following:

Transmittal Form, Information Disclosure Statement, one sheet of Form PTO-1449 and postcard acknowledging receipt by the USPTO of eight publications on July 11, 2003

Applicants have not received an initialled copy of the Form PTO-1449 for pages 7-10 in response to A mentioned above.

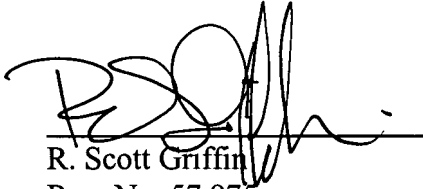
Applicants have not received an initialled copy of the Form PTO-1449 in response to B and C mentioned above.

Applicants respectfully request that the Examiner provide the Form PTO-1449 containing the Examiner's initials.

The Commissioner is authorized to charge any fees due in connection with this filing to Deposit Order Account No. 11-0855.

U.S. Patent Application Serial No. 09/980,329  
Filed: March 5, 2002  
REQUEST FOR ISSUANCE OF INITIALED FORM PTO-1449

Respectfully submitted,



R. Scott Griffin  
Reg. No. 57,975

KILPATRICK STOCKTON LLP  
Suite 2800, 1100 Peachtree Street  
Atlanta, Georgia 30309-4530  
(404) 815-6500

*Smith & Nephew*

Sir: The "RECEIVED" stamp on the card acknowledges receipt of the enclosed:

Applicant: Winder et al.

Title: "Method and Kit for Cavitation-Induced Tissue Healing with Low Intensity Ultrasound"

Serial No. 09/980,329 Docket No. 41482/205543 Filed March 5, 2002

1. Transmittal Form PTOS/SB/21
2. Information Disclosure Statement
3. Form PTO-1449 (10 sheets)
4. 355 Publications

Date: November 7, 2002  
Bruce D. Gray, Reg. No. 35,799



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)


Approved for use through 10/31/2002. OMB 0651-0031

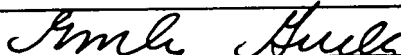
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/980,329
	Filing Date	March 5, 2002
	First Named Inventor	Winder et al.
	Group Art Unit	3737
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	41482-205543

ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): -Form PTO-1449 (10 sheets) -355 Publications -Return Receipt Postcard	
<table border="1"><tr><td>Remarks</td></tr></table>			Remarks
Remarks			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bruce D. Gray, Reg. No. 35,709 Kilpatrick Stockton LLP
Signature	
Date	November 6, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: November 7, 2002			
Typed or printed name	Emily Guida		
Signature		Date	November 7, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

ENTERED COMPUTER  
11/14/02 9A  
205543A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
Alan A. Winder and Roger J. Talish )  
 )  
Serial No.: 09/980,329 ) Group Art Unit: 3737  
 )  
Filed: March 5, 2002 ) Examiner:  
 )  
For: METHOD AND KIT FOR )  
CAVITATION-INDUCED TISSUE )  
HEALING WITH LOW )  
INTENSITY ULTRASOUND )

Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket No. 41482/205543  
Date: November 7, 2002

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant identifies the documents listed on the modified form PTO-1449 accompanying this submission. Copies of the publications listed are enclosed for the Examiner's consideration.

Remarks

Applicant does not concede that the identified materials constitute prior art within the meaning of the United States patent laws.

Applicant files this paper pursuant to 37 C.F.R. 1.97(b)(3), before the mailing of a first Office action and, therefore, believes that no fee is due in connection with this filing. However, the Commissioner is authorized to debit Deposit Account No. 11-0855 for any such fee due should Applicant's belief be mistaken.

Respectfully submitted,



Bruce D. Gray  
Reg. No. 35,799

ATTORNEY FOR ASSIGNEE

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 815-6218



<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION</b>  <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		Docket No.: <b>41482-205543</b>		Application No. <b>09/980,329</b>			
		Applicant: <b>Winder et al.</b>					
		Filing Date: <b>March 5, 2002</b>		Group Art Unit <b>3737</b>			
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial		Patent Number	Date	Patentee	Class	Subclass	
		32,782	11/15/88	Pratt, Jr.			
		34,959	05/30/95	Potts			
		3,134,451	05/26/64	Hanssen			
		3,193,034	07/06/65	Hutchinson, et al.			
		3,310,049	03/21/67	Clynes			
		3,433,663	03/18/69	Underwood			
		3,499,437	03/10/70	Balamuth			
		3,550,586	12/29/70	Balamuth			
		3,594,993	07/27/71	Heyse			
		3,701,352	10/31/72	Bosworth			
		3,760,799	09/25/73	Crowson			
		3,767,195	10/23/73	Dimick			
		3,828,769	08/13/74	Mettler			
		3,855,638	12/24/74	Pilliar			
		3,961,380	06/08/76	Garr			
		3,986,212	10/19/76	Sauer			
		4,105,017	08/08/78	Ryaby et al.			
		4,127,125	11/28/78	Takemoto et al.			
		4,164,794	08/21/79	Spector, et al.			
		4,170,045	10/09/79	Estes			
		4,176,664	12/04/79	Talish			
		4,206,516	06/10/80	Pilliar			
		4,216,766	08/12/80	Duykers, et al.			
		4,227,111	10/07/80	Cross, et al.			
		4,233,477	11/11/80	Rice, et al.			
		4,269,797	05/26/81	Mikiya, et al.			
		4,296,753	10/27/81	Goudin			
		4,312,536	01/26/82	Lloyd			
		4,315,503	12/16/82	Ryaby et al.			
		4,351,069	09/28/82	Ballintyn, et al.			
		4,355,428	10/26/82	Deloison, et al.			
		4,358,105	11/09/82	Sweeney, Jr.			
		4,361,154	11/30/82	Pratt, Jr.			
		4,365,359	12/28/82	Raab			
		4,383,533	05/17/83	Bhagat et al.			
		4,421,119	12/20/83	Pratt, Jr.			
		4,440,025	04/03/84	Hayakawa, et al.			
		4,441,486	04/10/84	Pounds			
Examiner:				Date Considered:			
<b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.							

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION</b>  <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		Docket No.: <b>41482-205543</b>		Application No. <b>09/980,329</b>		
		Applicant: <b>Winder et al.</b>				
		Filing Date: <b>March 5, 2002</b>		Group Art Unit <b>3737</b>		
<b>U.S. PATENT DOCUMENTS</b>						
Examiner Initial		Patent Number	Date	Patentee	Class	Subclass
		4,446,586	05/08/84	Reed et al.		
		4,452,326	06/05/84	Hanssen, et al.		
		4,476,874	10/16/84	Taenzer et al.		
		4,511,921	04/16/85	Harlan et al.		
		4,530,360	07/23/85	Duarte		
		4,536,894	08/27/85	Galante, et al.		
		4,542,539	09/24/85	Rowe, Jr., et al.		
		4,542,744	09/24/85	Barnes et al.		
		4,550,714	11/85	Talish		
		4,556,066	12/03/85	Semrow		
		4,570,640	02/18/86	Barsa		
		4,573,996	03/04/86	Kwiatek, et al.		
		4,594,662	06/10/86	Devaney		
		4,612,160	09/16/86	Donlevy, et al.		
		4,627,429	12/09/86	Tsuk		
		4,630,323	12/23/86	Sage et al.		
		4,644,942	02/24/87	Sump		
		4,677,438	06/30/87	Michiguchi et al		
		4,687,195	08/18/87	Potts		
		4,708,127	11/24/87	Abdelghani		
		4,710,655	12/01/87	Masaki		
		4,770,184	09/13/88	Greene, Jr. et al.		
		4,726,099	02/23/88	Card		
		4,763,661	08/16/88	Sommer et al.		
		4,774,959	10/04/88	Palmer et al.		
		4,782,822	11/08/88	Ricken		
		4,787,070	11/22/88	Suzuki et al.		
		4,787,888	11/29/88	Fox		
		4,792,336	12/20/88	Hlavacek, et al.		
		4,802,477	02/07/89	Gabbay		
		4,830,015	05/16/89	Okazaki		
		4,836,316	06/06/89	Carnevale, et al.		
		4,855,911	08/08/89	Lele et al.		
		4,858,599	08/22/89	Halpern		
		4,867,169	09/19/89	Machida et al.		
		4,891,849	01/09/90	Robinson		
		4,905,671	03/06/90	Senge et al.		
		4,913,157	04/03/90	Pratt, Jr. et al.		
		4,917,092	04/17/90	Todd, et al.		
		4,926,870	05/22/90	Brandenburger		
Examiner:				Date Considered:		
<b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		Docket No.: <b>41482-205543</b>		Application No. <b>09/980,329</b>		
		Applicant: <b>Winder et al.</b>				
		Filing Date: <b>March 5, 2002</b>		Group Art Unit <b>3737</b>		
<b>U.S. PATENT DOCUMENTS</b>						
Examiner Initial		Patent Number	Date	Patentee	Class	Subclass
		4,932,951	06/12/90	Liboff et al.		
		4,933,230	06/12/90	Card, et al.		
		4,936,303	06/26/90	Detwiler et al.		
		4,941,474	07/17/90	Pratt, Jr.		
		4,947,853	08/14/90	Hon		
		4,979,501	12/25/90	Valchanov et al.		
		4,982,730	01/08/91	Lewis, Jr.		
		4,986,275	01/22/91	Ishida et al.		
		4,993,413	02/19/91	McLeod et al.		
		4,995,883	02/26/91	Demane, et al.		
		5,000,183	03/19/91	Bonnefous		
		5,000,442	03/19/91	Dalebout, et al.		
		5,003,965	04/02/91	Talish et al.		
		5,004,476	04/02/91	Cook		
		5,016,641	05/21/91	Schwartz		
		5,018,285	05/28/91	Zolman, et al.		
		5,046,484	09/10/91	Bassett, et al.		
		5,054,490	10/08/91	Rossman et al.		
		5,067,940	11/26/91	Liboff et al.		
		5,080,672	01/14/92	Bellis		
		5,088,976	02/18/92	Liboff et al.		
		5,099,702	03/31/92	French		
		5,100,373	03/31/92	Liboff et al.		
		5,103,806	04/14/92	McLeod et al.		
		5,106,361	04/21/92	Liboff et al.		
		5,107,853	04/28/92	Plyter		
		5,108,452	04/28/92	Fallin		
		5,133,420	07/28/92	Smith		
		5,134,999	08/04/92	Osipov		
		5,139,498	08/18/92	Astudillo Ley		
		5,140,988	08/25/92	Stouffer et al.		
		5,143,069	09/01/92	Kwon et al.		
		5,143,073	09/92	Dory		
		5,163,598	11/17/92	Peters, et la.		
		5,172,692	12/22/92	Kulow et al.		
		5,178,134	01/12/93	Vago		
		5,181,512	01/26/93	Viebach, et al.		
		5,184,605	02/09/93	Grzeszykowski		
		5,186,162	02/16/93	Talish et al.		
		5,191,880	03/09/93	McLeod et al.		
Examiner:				Date Considered:		
<b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						

Form PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Docket No.: 41482-205543		Application No. 09/980,329		
		Applicant: Winder et al.				
		Filing Date: March 5, 2002		Group Art Unit 3737		
<b>U.S. PATENT DOCUMENTS</b>						
Examiner Initial		Patent Number	Date	Patentee	Class	Subclass
		5,197,475	03/30/93	Antich et al.		
		5,201,766	04/13/93	Georgette		
		5,209,221	05/11/93	Riedlinger		
		5,211,160	05/18/93	Talish et al.		
		5,230,334	07/27/93	Klopotek		
		5,230,345	07/27/93	Curran, et al.		
		5,230,921	07/27/93	Waltonen, et al.		
		5,235,981	08/17/93	Hascoet et al.		
		5,254,123	10/19/93	Bushey		
		5,259,384	11/09/93	Kaufman et al.		
		5,269,306	12/14/93	Warnking, et al.		
		5,273,028	12/28/93	McLeod, et al.		
		5,284,143	02/08/94	Rattner		
		5,285,788	02/15/94	Arenson et al.		
		5,295,931	03/22/94	Dreibelbis, et al.		
		5,301,683	04/12/94	Durkan		
		5,307,284	04/26/94	Brunfeldt et al.		
		5,309,898	05/10/94	Kaufman et al.		
		5,310,408	05/10/94	Schryver, et al.		
		5,314,401	05/24/94	Tepper		
		5,316,000	05/31/94	Chapelon, et al.		
		5,318,561	06/07/94	McLeod et al.		
		5,318,779	06/07/94	Hakamatsuka, et al.		
		5,322,067	06/21/94	Prater et al.		
		5,323,769	06/28/94	Bommannan, et al.		
		5,327,890	07/12/94	Matura et al.		
		5,330,481	07/19/94	Hood, et al.		
		5,330,489	07/19/94	Green, et al.		
		5,334,214	08/02/94	Putnam		
		5,339,804	08/23/94	Kemp		
		5,340,510	08/23/94	Bowen		
		5,351,389	10/04/94	Erickson et al.		
		5,363,850	11/15/94	Soni et al.		
		5,366,465	11/22/94	Mirza		
		5,367,500	11/22/94	Ng		
		5,376,065	12/27/94	McLeod et al.		
		5,380,269	01/10/95	Urso		
		5,386,830	02/07/95	Powers et al.		
		5,393,296	02/28/95	Rattner		
		5,394,878	03/07/95	Frazin et al.		
		5,398,290	03/14/95	Brethour		
Examiner:				Date Considered:		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION</b>  <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		Docket No.: <b>41482-205543</b>		Application No.: <b>09/980,329</b>			
		Applicant: <b>Winder et al.</b>					
		Filing Date: <b>March 5, 2002</b>		Group Art Unit <b>3737</b>			
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial		Patent Number	Date	Patentee	Class	Subclass	
		5,400,795	03/28/95	Murphy, et al.			
		5,405,389	04/11/95	Conta, et al.			
		5,409,446	04/25/95	Rattner			
		5,413,550	05/09/95	Castel			
		5,415,167	05/16/95	Wilk			
		5,417,215	05/23/95	Evans et al.			
		5,424,550	06/13/95	Kawano et al.			
		5,431,612	07/11/95	Holden			
		5,434,827	07/18/95	Bolorforosh			
		5,441,051	08/15/95	Hileman et al			
		5,441,058	08/15/95	Fareed			
		5,448,994	09/12/95	Iinuma			
		5,460,595	10/24/95	Hall, et al.			
		5,466,215	11/14/95	Lair, et al.			
		5,468,220	11/21/95	Sucher			
		5,476,438	12/19/95	Edrich, et al.			
		5,478,306	12/26/95	Stoner			
		5,492,525	02/20/96	Gibney			
		5,495,846	03/05/96	Uehara et al.			
		5,496,256	03/05/96	Bock et al.			
		5,501,657	03/26/96	Feero			
		5,507,800	04/16/96	Strickland			
		5,507,830	04/16/96	DeMane, et al.			
		5,509,933	04/23/96	Davidson, et al.			
		5,520,612	05/28/96	Winder et al.			
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Examiner:				Date Considered:			
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<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		<b>Docket No.:</b> <div style="text-align: center; font-weight: bold;">41482-205543</div>		<b>Application No.</b> <div style="text-align: center; font-weight: bold;">09/980,329</div>			
		<b>Applicant:</b> <div style="text-align: center; font-weight: bold;">Winder et al.</div>					
		<b>Filing Date:</b> <div style="text-align: center;">March 5, 2002</div>		<b>Group Art Unit</b> <div style="text-align: center; font-weight: bold;">3737</div>			
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		Applicant: <b>Winder et al.</b>				
		Filing Date: <b>March 5, 2002</b>		Group Art Unit <b>3737</b>		
<b>NON-U.S. DOCUMENTS</b>						
Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation
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	WO 00/71207	11/30/00	PCT			
	WO 00/76404	12/21/00	PCT			
Examiner:			Date Considered:			

\*For English version see related Australian Application No. 19950292

Form PTO-1449  INFORMATION DISCLOSURE CITATION  IN AN APPLICATION (Use several sheets if necessary)	Docket No.: 41482-205543	Application No. 09/980,329
	Applicant: Winder et al.	
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Examiner Initial	Including Author, Title, Date, Pertinent Pages, Etc.	
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	Applicant: Winder et al.	
	Filing Date: March 5, 2002	Group Art Unit 3737
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# Office Action Summary

Application No.

09/980,329

Applicant(s)

WINDER ET AL.

Examiner

Ruth S Smith

Art Unit

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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Form 1449

Sheet 1 of 10

INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)	Docket No.:	41482-205543	Application No.:	09/980,329
	Applicant:			
	Winder et al.			
	Filing Date:	March 5, 2002	Group/Art/Unit:	3737

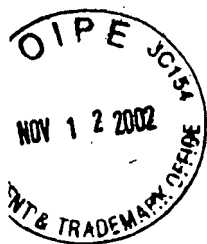
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	3,193,034	07/06/65	Hutchinson, et al.		
	3,310,049	03/21/67	Clynes		
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Examiner:			Date Considered:		
			12/03		

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Applicant: Winder et al.		Group Art Unit 3737	
		Filing Date: March 5, 2002			
<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initial	Patent Number	Date	Patentee	Class	Subclass
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	4,452,326	06/05/84	Hanssen, et al.		
	4,476,874	10/16/84	Taenzer et al.		
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	4,530,360	07/23/85	Duarte		
	4,536,894	08/27/85	Galante, et al.		
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	4,570,640	02/18/86	Barsa		
	4,573,996	03/04/86	Kwiatek, et al.		
	4,594,662	06/10/86	Devaney		
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Examiner:	Date Considered:		12/03		
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		Filing Date: March 5, 2002		Group Art Unit 3737		
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Examiner Initial	Patent Number	Date	Patentee	Class	Subclass	
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	4,933,230	06/12/90	Card, et al.			
	4,936,303	06/26/90	Detwiler et al.			
	4,941,474	07/17/90	Pratt, Jr.			
	4,947,853	08/14/90	Hon			
	4,979,501	12/25/90	Valchanov et al.			
	4,982,730	01/08/91	Lewis, Jr.			
	4,986,275	01/22/91	Ishida et al.			
	4,993,413	02/19/91	McLeod et al.			
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Examiner: LM	Date Considered: 12/03					
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	Applicant: Winder et al.	
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	5,209,221	05/11/93	Riedlinger		
	5,211,160	05/18/93	Talish et al.		
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	5,254,123	10/19/93	Bushey		
	5,259,384	11/09/93	Kaufman et al.		
	5,269,306	12/14/93	Warnking, et al.		
	5,273,028	12/28/93	McLeod, et al.		
	5,284,143	02/08/94	Rattner		
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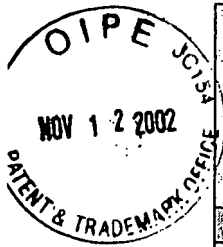
Form PTO-1449		Docket No.: 41482-205543		Application No.: 09/980,329	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Applicant: Winder et al.		Group Art Unit 3737	
		Filing Date: March 5, 2002			
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Examiner Initial	Patent Number	Date	Patentee	Class	Subclass
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Examiner: Date Considered:	12/03				
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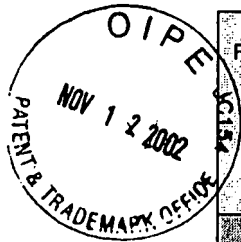
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		Filing Date: March 5, 2002		Group Art Unit: 3737	
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Examiner Initial	Patent Number	Date	Patentee	Class	Subclass
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Examiner:	Date Considered:		12/03		

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		Filing Date: March 5, 2002		Group Art Unit 3737			
<b>NON U.S. DOCUMENTS</b>							
Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation	
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	WO 00/76404	12/21/00	PCT				
Examiner:	<i>R. Smith</i>		Date Considered: 12/03				

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Applicant: Winder et al.	
		Filing Date: March 5, 2002	Group Art Unit 3737
<b>OTHER MATERIAL</b>			
Examiner Initial	Including Author, Title, Date, Pertinent Pages, Etc.		
	ABSTRACT, (Proceedings of the 11 <sup>th</sup> Int'l. Conference on Medical and Biological Engineering) "ULTRASONIC STIMULATION OF FRACTURE HEALING", 1976.		
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Examiner:	Date Considered:		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.			

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Form PTO-1449		Docket No.: 41482-205543	Application No.: 09/980,329
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		Applicant: Winder et al.	
		Filing Date: March 5, 2002	Group Art Unit 3737
<b>OTHER MATERIAL</b>			
Examiner Initial	Including Author, Title, Date, Pertinent Pages, Etc.		
	"Treatment of Osteochondral Defects in Rabbits with SAFHS - Parts I and II, EX1095-01R, EX1096-01R		
	"Treatment of Osteochondral Defects in Rabbits with SAFHS - Part III, EX1097-01R (August 26, 1997).		
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Form PTO-1449		Docket No.: 41482-205543	Application No.: 09/980,329
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Applicant: Winder et al.	
		Filing Date: March 5, 2002	Group Art Unit 3737
<b>OTHER MATERIAL</b>			
Examiner Initial	Including Author, Title, Date, Pertinent Pages, Etc.		
	Sarvazyan, "Some General Problems of Biological Action of Ultrasound," IEEE Transactions on Sonics and Ultrasonics, vol. 30, No. 1, Jan. 1983		
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Sir: The "RECEIVED" stamp on the card acknowledges receipt of the enclosed:

Applicant: Winder et al.

Title: "Method and Kit for Cavitation-Induced Tissue Healing with Low Intensity Ultrasound"

Serial No. 09/980,329 Docket No. 41482/205543 Filed March 5, 2002

1. Transmittal Form PTOS/SB/21
2. Certificate of Mailing
3. Information Disclosure Statement
4. Form PTO-1449 (1 sheet)
5. 8 Publications

Date: 2/28/03  
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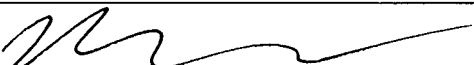
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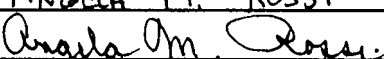
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/980,329
	<b>Filing Date</b>	March 5, 2002
	<b>First Named Inventor</b>	Winder et al.
	<b>Group Art Unit</b>	3737
	<b>Examiner Name</b>	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b> 41482-205543

ENCLOSURES (check all that apply)		
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<b>Firm or Individual name</b>	Bruce D. Gray, Reg. No. 35,709 Kilpatrick Stockton LLP	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
 Alan A. Winder and Roger J. Talish )  
 )  
 Serial No.: 09/980,329 ) Group Art Unit: 3737  
 )  
 Filed: March 5, 2002 ) Examiner:  
 )  
 For: METHOD AND KIT FOR )  
 CAVITATION-INDUCED TISSUE )  
 HEALING WITH LOW )  
 INTENSITY ULTRASOUND )

Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket No. 41482/205543  
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INFORMATION DISCLOSURE STATEMENT

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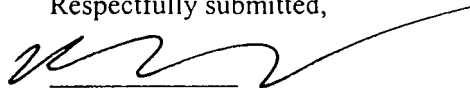
Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicants identify the documents listed on the modified form PTO-1449 accompanying this submission. Copies of the publications listed are enclosed for the Examiner's consideration.

Remarks

Applicants do not concede that the identified materials constitute prior art within the meaning of the United States patent laws.

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Respectfully submitted,



Bruce D. Gray  
Reg. No. 35,799

ATTORNEY FOR ASSIGNEE

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 815-6218

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*Smith + Nephew*

Sir: The "RECEIVED" stamp on the card acknowledges receipt of the enclosed:

Applicant: Winder et al.

Title: "Method and Kit for Cavitation-Induced Tissue Healing with Low Intensity Ultrasound"

Serial No. 09/980,329 Docket No. 41482/205543 Filed March 5, 2002

1. Transmittal Form (PTO/SB/21)
2. Supplemental Information Disclosure Statement
3. Form PTO-1449 (1 sheet)
4. 8 Publications



Date: July 11, 2003  
Bruce D. Gray, Reg. No. 35,799

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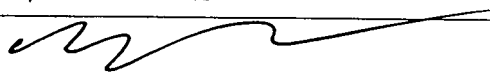
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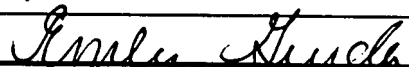
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/980,329	
	<b>Filing Date</b>	March 5, 2002	
	<b>First Named Inventor</b>	Winder et al.	
	<b>Group Art Unit</b>	3737	
	<b>Examiner Name</b>		
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	41482-205543

ENCLOSURES (check all that apply)		
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<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bruce D. Gray, Reg. No. 35,709 Kilpatrick Stockton LLP
Signature	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
 Alan A. Winder and Roger J. Talish )  
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 Serial No.: 09/980,329 ) Group Art Unit: 3737  
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 Filed: March 5, 2002 ) Examiner:  
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Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Attorney Docket No. 41482/205543  
Date: July 11, 2003

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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Atlanta, Georgia 30309-4530  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 1 of 2

**Complete if Known**

Application Number	09/980,329
Filing Date	March 5, 2002
First Named Inventor	Roger J. TALISH
Group Art Unit	3737
Examiner Name	Smith, Ruth S.
Attorney Docket Number	41482/205543

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-3,575,050	04/1971	Lynnworth	
		US-4,195,517	04/1980	Kalinoski, et al.	
		US-4,467,659	08/1984	Baumoe	
		US-4,557,148	12/1985	Akiyama	
		US-4,570,487	02/1986	Gruber	
		US-4,680,967	07/1987	Rost	
		US-4,930,358	06/1990	Motegi, et al.	
		US-5,154,189	10/1992	Oberlander	
		US-5,280,728	01/1994	Sato, et al.	
		US-5,843,741	12/1998	Wong, et al.	
		US-5,856,622	01/1999	Yamamoto, et al.	
		US-5,906,580	05/1999	Kline, Schoder, et al.	
		US-5,954,675	09/1999	Dellagatta	
		US-6,028,066	02/2000	Unger	
		US-6,065,350	05/2000	Hill, et al.	
		US-6,105,431	08/2000	Duffill, et al.	
		US-6,264,650	07/2001	Hovda, et al.	
		US-2003/0153849	08/14/2003	Huckle	
		US-2006/0106424	05/18/2006	Bachem	

**FOREIGN PATENT DOCUMENTS**

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		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		EP 0 425 765 A1	05/08/1991	Fraunhofer- Gesellschaft		Abstr

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**INFORMATION DISCLOSURE  
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Sheet 2 of 2

**Complete if Known**

Application Number	09/980,329
Filing Date	March 5, 2002
First Named Inventor	Roger J. TALISH
Group Art Unit	3737
Examiner Name	SMITH, Ruth S.
Attorney Docket Number	41482/205543

**U.S. PATENT DOCUMENTS**

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		Number - Kind Code <sup>2</sup> (if known)			
		US-1,063,782	06-03-1913	G.O. & C.A. Dickey	
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Examiner Signature

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